

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6542

Petition of Vermont Department of Public)
Service for a Board investigation into the)
business practices of Essex Communications,)
Inc., d/b/a eLec Communications of Vermont)
and Request for a Temporary Restraining Order)

Order entered: 8/28/2001

TEMPORARY RESTRAINING ORDER

WHEREAS, petitioner Vermont Department of Public Service ("DPS") filed a petition commencing the above-referenced docket (the "Petition") on August 22, 2001;

WHEREAS, the DPS also filed a Motion for Temporary Restraining Order ("Motion for TRO") on August 22, 2001;

WHEREAS, the DPS then filed a Motion for Reconsideration and Request for Expedited Hearing ("Motion for Reconsideration") on August 24, 2001;

WHEREAS, the DPS and Respondent Essex Communications, Inc., d/b/a eLEC Communications of Vermont ("Essex"), have filed a Stipulated Motion Consenting to Injunction ("Stipulated Motion") intending to resolve the issues raised by way of the Motion for TRO and Motion for Reconsideration.

NOW, THEREFORE, in accordance with the parties' Stipulated Motion and pursuant to Board Rule 2.406, the following TEMPORARY RESTRAINING ORDER is issued:

1. Essex will immediately cease all telemarketing to Vermont consumers until such time as it has an effective Board-approved tariff and its telemarketing scripts meet the requirements of Consumer Protection Standard 1 in the Board's Order of July 2, 1999, in Docket 5903;

2. Essex will immediately suspend all disconnection, billing and collection activities to Vermont consumers currently being served by Essex pending resolution of the issues raised in the Petition;

3. The parties will work cooperatively and in a timely fashion to develop a mutually-agreeable process for confirming that all affected Vermont consumers have made an informed selection of Essex based on clear and understandable notice of rates and terms;

4. Other than issuance of a Preliminary Injunction consistent with the terms of this Temporary Restraining Order, the DPS will seek no further decision from the Board on its pending Motion for TRO and Motion for Reconsideration; and

5. Since Essex will be providing services to Vermont consumers for which they are not being billed, the parties will work cooperatively and in a prompt and timely manner to resolve all remaining issues raised in the Petition, including review and approval of the amended tariff submitted by Essex.

DATED at Montpelier, Vermont, this 28th day of August, 2001,
at 5:30 o'clock in the afternoon.

s/David C. Coen
David C. Coen, Board Member
Vermont Public Service Board

OFFICE OF THE CLERK

FILED: August 28, 2001

ATTEST: s/Susan M. Hudson

Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or mail) of any technical errors, in order that any necessary corrections may be made. (E-mail address: Clerk@psb.state.vt.us)